THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 951 OF 1999

DATED: 05-07-2006

BETWEEN:

Mrs. Zainab Begum
W/o. Mr. Ali Mohammed … Petitioner

And

Municipal Corporation of Hyderabad
Rep.by its Commissioner, Tank Bund Road
Hyderabad and two others …Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 951 OF 1999

ORDER:

The writ petition was filed by the petitioner seeking a writ of Mandamus declaring the action of the respondent in taking steps to install the High Mash Lamp on the petitioner's land at 19-3-121/10/A, Jahanuma, Hyderabad, without following due procedure as illegal, arbitrary and void.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

It is the case of the petitioner that she is the owner of the land bearing M.C.No. 19-3-121/10/A/7 to 14, admeasuring about 200 square yards situated at Jahanuma, Hyderabad having purchased the same through registered sale deed No.663/97 dated 29-09-1997. It is stated that two days prior to the filing of the writ petition, the first respondent-Corporation officials visited the land of the petitioner and marked some place and informed to the petitioner that they marked the place for installing High-Mash Lamp in the land owned by the

petitioner and they occupied 30 sq. yards of the land. It is the case of the petitioner that if any portion of the land is required for installing the High-Mash Lamp, she does not have any objection and she objects the respondents high-handed activity that they entered into her land and marked the place without following due procedure prescribed under law.

In that view of the matter, I am of the opinion that the Municipal Corporation cannot occupy any portion of the private individuals without acquiring the same after following due procedure prescribed under law.

Writ petition is accordingly disposed of directing the first respondent to acquire the land in question if it is needed for the installation of the High-Mash lamp in the petitioner's land only after following due process of law. No order as to costs.

_____

V. ESWARAIAH, J.

Dated: 05-07-2006
RNS